



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,917	12/23/2004	Masato Yoshikawa	NEC03P070-Sib	7264
21254 7590 04/08/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER				
TAHA, SHAQ				
ART UNIT		PAPER NUMBER		
2146				
MAIL DATE		DELIVERY MODE		
04/08/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/518,917

**Applicant(s)**

YOSHIKAWA, MASATO

**Examiner**

SHAQ TAHA

**Art Unit**

2146

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 12/23/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a final action for application number 10/518,917 based on after non-final filed on 07/10/2007. The original application was filed on 12/2/2004. Claims 1 - 27 are currently pending and have been considered below. Claims 1, 3 - 6, 8, 9, 11 - 14, 16, 17, 19 - 22, and 24 are independent claims.

### **Response to Arguments**

The applicant argues that Penny et al. (US 6,070,050) does not does not teach or suggest means for appending to said message position information that indicates said position that has been received as input, a position information transmission means for transmitting position information that has been acquired by said position-acquisition means to said server device, message management means for transmitting the message to said terminal device that is the transmission destination when position information that has been appended to said message matches with position information from said terminal device that is the transmission destination that has been transmitted in response to said position request.

The Examiner disagrees, Penny, Jr. et al. teaches Method and apparatus for delivering messages to devices located within logical delivery areas. Penny Jr. et al further teaches appending to said message position information that indicates said position that

has been received as input, [Fig. 2, Ref # R76 P260, wherein prefix P is identified as the position that has been received as input];

Penny Jr. further teaches a position information transmission means for transmitting position information, [Fig. 2, Ref # R76 P260 wherein the position P260 is the position information that is transmitted to server device by row 76 and position 260, also Fig. 1 shows satellite 110 which transmits position information to terminal 130];

Penny discloses a message management means for transmitting the message to said terminal device that is the transmission destination when position information that has been appended to said message matches with position information from said terminal device that is the transmission destination that has been transmitted in response to said position request, system 100 is a message management system that when control centers 117 receive requests to send messages from communication devices, the destination messaging device is desirably identified in the request by its messaging device identification number.

**Claim Rejections - 35 USC § 101**

In light of the applicants amendment to claims 17 – 24 the rejection under 35 USC 101 has been withdrawn.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claims 1 – 24, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Penny, Jr. et al (US 6,070,050).

Regarding claim 1, 9, 17, Penny teaches a terminal device, **[Fig. 1, Ref # 130]**; comprising: means for receiving as input a destination of a message that is to be transmitted, and a position at which the message is to be received, **[Fig. 2, Ref # R76 P260]**; and means for appending to said message position information that indicates said position that has been received as input, **[Fig. 2, Ref # R76 P260 wherein prefix P is identified as the position that has been received as input in the message]**.

Regarding claim 2, 7, 10, 15, 18, Penny teaches a terminal device further comprising position-acquisition means for acquiring the current position information, **[See Fig. 3, Ref # 320]**; wherein said appending means appends to said message position information that has been acquired by said position-acquisition means as position information of the position

at which the message is to be received, **[FIG. , Ref # R76 P260 wherein prefix P is identified as the position that has been received as input in the message].**

Regarding claim 3, 11, 19, 23, Penny teaches a terminal device comprising: position-acquisition means for receiving a position request from a server device and then acquiring a position, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)].**

and a position information transmission means for transmitting position information that has been acquired by said position-acquisition means to said server device, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

Regarding claim 4, 12, 20, Penny teaches a server device for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is the transmission destination, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite(s) 110 through link 119. Satellites 110 are**

**also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];**

said server device comprising: message storage means for, upon receiving a message that has been transmitted from a terminal device that is a transmission origin, storing the message that has been received, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

position request means for extracting destination address and position information from a message that has been stored in said message storage means, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)].**

and submitting a position request to the terminal device that is the transmission destination that is indicated by the destination address, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

and message management means for transmitting the message to said terminal device that is the transmission destination when position information that has been appended to said message matches with position information from said terminal device that is the transmission destination that has been transmitted in response to said position request, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that**

**the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

Regarding claim 5, 21, Penny teaches a server device for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is a transmission destination, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];**

the server device comprising: message storage means for storing messages, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

position request means for, upon receiving a message that has been transmitted from a terminal device that is a transmission origin, submitting a position request to the terminal device that is the transmission origin of the message that has been received, and further, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

extracting a destination address and position information from a message that is stored in said message storage means, **[In a preferred embodiment, the location is**

**established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11));**

and submitting a position request to the terminal device that is the transmission destination of the destination address, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

appending means for appending position information of said terminal device that is the transmission origin that has been transmitted in response to a position request to said terminal device of the transmission origin to said message as position information of the position at which the message is to be received, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)];**

and storing in said message storage means, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

and message management means for transmitting the message to said terminal device that is the transmission destination when position information of said terminal device that is the transmission destination and that has been transmitted in response to a position request to said terminal device that is the transmission destination matches with position information that has been appended to said message, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within**

**which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

Regarding claim 6, 13, Penny teaches a message transmitting and receiving system for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is a transmission destination, **[A global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract)];**

said message transmitting and receiving system comprising: a terminal device, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

that is the transmission origin that includes: means for receiving as input the destination of a message and the position at which the message is to be received, , **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

and appending means for appending to said message position information that indicates said position that has been received as input, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)];**

a server device, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];**

that includes: message storage means for, upon receiving a message that has been transmitted from said terminal device that is the transmission origin, storing the message that has been received, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

position request means for extracting a destination address and position information from a message that has been stored in said message storage means and submitting a position request to a terminal device that is the transmission destination that is indicated by said destination address, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

and message management means for transmitting said message to said terminal device that is the transmission destination when position information that has been appended to said message matches with position information from said terminal device that is the transmission destination that has been transmitted in response to said request for position, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the**

**likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)];**

and a terminal device that is the transmission destination that includes: first position-acquisition means for receiving a position request from said server device and acquiring position, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

and position information transmission means for transmitting position information that has been acquired by said first position-acquisition means to said server device, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

Regarding claim 8, 14, 22, Penny teaches a message transmitting and receiving system for transmitting a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is a transmission destination, **[A global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract)];**

said message transmitting and receiving system comprising: a terminal device that is the transmission origin that includes: first position-acquisition means for receiving a position request from said server device and acquiring position, , **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

Art Unit: 2146

and position information transmission means for transmitting position information that has been acquired by said first position-acquisition means to said server device, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)];**

a server device, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];**

that includes: message storage means for storing messages, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

position request means for, upon receiving a message that has been transmitted from a transmission origin terminal device, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

submitting a position request to the terminal device that is the transmission origin of the message that has been received, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to**

**quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

and further, extracting the destination address and position information from a message that has been stored in said message storage means and submitting a position request to the transmission destination terminal device of the destination address, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

appending means for appending to said message position information of said terminal device that is the transmission origin that has been transmitted in response to the position request to said terminal device that is the transmission origin as position information of the position at which the message is to be received, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)];**

and storing in said message storage means, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

and storing the message in said message storage means, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

and message management means for transmitting the message to said terminal device that is the transmission destination when position information that has been appended

to said message matches with position information of said terminal device that is the transmission destination that has been transmitted in response to the position request to said terminal device that is the transmission destination, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

and a terminal device that is the transmission destination, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

that includes: second position-acquisition means for accepting a position request from said server device and then acquiring position; and position information transmission means for transmitting position information that has been acquired by said second position-acquisition means to said server device, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

Regarding claim 16, 24, Penny teaches a message transmitting and receiving method for delivering a message that has been transmitted from a terminal device to a terminal device that is a transmission destination, **[A global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract)];**

said message transmitting and receiving method comprising: in a server device, upon receiving a message that has been transmitted from a terminal device that is the

transmission origin, submitting a position request to the terminal device that is the transmission origin that has transmitted the message that has been received, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

in said terminal device that is the transmission origin receiving the position request from said server device and acquiring its position, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

in said server device appending the position information of said terminal device that is the transmission origin that has been transmitted in response to the position request to said terminal device that is the transmission origin to said transmission message as position information of the position at which the message is to be received and storing the message, **[In step 704, a request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

in said server device extracting a destination address and position information from the message that has been stored, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging**

**device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

and submitting a position request to the transmission destination terminal device of the destination address, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

the terminal device that is the transmission destination, receiving the position request from the server device and acquiring position, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

in said terminal device that is the transmission destination transmitting said position information that has been acquired to said server device, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

in said server device, transmitting the transmission message to said transmission destination terminal device when position information that is appended to said transmission message matches with position information from said transmission destination terminal device that has been transmitted in response to said position request, **[In step 704, a request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)].**

Regarding claim 27, Penny Jr. et al. teaches the method, wherein after said terminal device that is the transmission destination transmits the acquired position information to said server device, said server device periodically submits a position request to said terminal device that is the transmission destination, **[Fig. 7, step 704, a request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number].**

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penny Jr. et al. (US 6,070,050) in view of Lau et al. (US 7,321,774).

Regarding claim 25 and 26, Penny Jr. et teaches Method and apparatus for delivering messages to devices located within logical delivery areas;

Penny Jr. et al differs from the claimed invention is that an instant message, e-mail, and GPS is not taught by Penny Jr. et al.

Art Unit: 2146

Lau et al. teaches position sensing devices that allow widespread use and availability of position information;

Lau et al further teaches that said message comprises one of an electronic mail message and an instant message, **[The transmission of information from/to the position-sensing device can also be in a text message format, e.g. e-mail or instant message,(Column 18, line 56)];**

Lau et al. also teaches that said first position-acquisition means comprises a global position system (GPS) unit, **[Fig. 12A, Ref # GPS baseband processor];**

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Penny Jr. et al by including an instant message, e-mail and GPS as taught by Lau et al.

One of ordinary skill in the art would have been motivated to make this modification in order provide the advantage of providing that said message comprises one of an electronic mail message and an instant message, and that said first position-acquisition means comprises a global position system (GPS) unit.

### **Conclusion**

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Pwu** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2146

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shaq Taha

03/31/2008

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146